

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ABDY NIZEYIMANA, on behalf of)
himself and all others similarly situated,)
)
Petitioners,)
)
v.) Civil Action No. 20-10685-ADB
)
ANTONE MONIZ, Superintendent of the)
Plymouth County Correctional Facility)
)
Respondent.)

**RESPONDENT'S OMNIBUS OPPOSITION TO
FOUR CLASS MEMBERS' MOTIONS FOR RELEASE**

Respondent Antone Moniz (“Respondent”), Superintendent of the Plymouth County Correctional Facility (“PCCF”), respectfully submits this omnibus opposition to four separate motions filed by an attorney (not class counsel) on behalf of four class members in this case.¹ Those motions seek the same relief and rely on the same authority set forth in class counsel’s motion for expedited bail hearings, which they incorporate by reference. All four motions were filed under seal. *See* Doc. # 217; Doc. # 218; Doc. # 222.²

Respondent objects to motions for relief filed on behalf of class members by lawyers who have not been appointed as class counsel. Class counsel is more than able to represent the interests of the individual class members, especially in a case like this one where the class is very small. This case has already seen numerous motions, several of which are under advisement, and there is

¹ The separately moving class members are Esquelin Montilla-Soto, Maninder Singh, Gloire Kikweta, and Pedro Cuba.

² There does not appear to be a motion to seal on the docket for Mr. Cuba's motion.

no need for four more motions that seek the same relief that class counsel has already sought on behalf of the class in its motion for expedited bail hearings.

In all events, the motions are meritless for the same reasons set forth in Respondent's opposition and sur-reply papers, which Respondent incorporates by reference. *See* Doc. # 193 (opposition); Doc. # 203 (sur-reply). In addition, Respondent submits the declaration of PCCF's health services administrator, Marcia Norat. *See* Norat Decl., attached as Exhibit A hereto. Her declaration contains information about the four class members' medical history and treatment while in detention at PCCF, based on her review of their medical records and information from other relevant healthcare providers, including PCCF's physician. As Ms. Norat avers in her declaration, none of those four class members has "pre-existing medical conditions that would render them particularly vulnerable to COVID-19." *Id.* ¶ 24.³

CONCLUSION

For all of the foregoing reasons, Respondent respectfully requests that the Court deny these four motions.

Respectfully submitted,

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³ Given the nature of much of the information discussed in Ms. Norat's declaration, Respondent is submitting her declaration under seal.